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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,476	04/18/2007	Brian Dam Pedersen	P507 PCT/US	8201

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VISTA IP LAW GROUP LLP
12930 Saratoga Avenue
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EXAMINER

ROBINSON, RYAN C

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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02/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,476	Applicant(s) PEDERSEN, BRIAN DAM	
	Examiner RYAN C. ROBINSON	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/21/2005; 6/9/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application claims priority from PCT application number PCT/DK04/00442, filed on 6/23/2004, which claims priority from Danish Patent application number 2003 00944, filed on 6/24/2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niederdränk, U.S. Patent No. 7,020,296, filed on 3/21/2003, (hereby Niederdränk).**

4. Regarding claim 1, Niederdränk teaches a binaural hearing aid system comprising a first hearing aid (1) and a second hearing aid (1), each of which comprises a microphone (10) a processor (11) that is adapted to process the digital input signals in accordance with a predetermined selected signal processing algorithm to generate a processed output signal, and an output transducer (13) for conversion of the respective processed sound signal to an acoustic output signal, and a binaural sound environment detector (14) for binaural determination of the sound environment surrounding a user of the binaural hearing aid system, comprising a feature extractor for determination of

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characteristic parameters of the received sound signals (Col. 4, lines 35-37), an environment classifier for categorizing the sound environment based on the determined characteristic parameters (The signal analysis unit can determine the hearing situation; Col. 6, lines 3-8), and a parameter map (17) for the provision of outputs for selection of the signal processing algorithm (Col. 4, lines 60-63), wherein each of the parameter maps of the first (1) and second hearing aid (2) has an input connected with an output of the environment classifier of the first hearing aid and an input connected with an output of the environment classifier of the second hearing aid (The data from the sound environment detector 14 is sent to the parameter map 17, and the parameter map of the opposite hearing aid via link 18; Col. 4, lines 51-53) for provision of outputs for each of the first and second hearing aids for selection of the signal processing algorithm of each of the respective hearing aid processors so that the hearing aids of the binaural hearing aid system perform coordinated sound processing (Col. 5, lines 11-13).

It is noted that Niederdränk does not teach an A/D converter for provision of a digital input signal in response to sound signals received at the respective microphone in a sound environment, as well as a D/A converter. However Niederdränk does teach that the components can be implemented digitally; Col. 6, lines 1-3. One of ordinary skill would have realized such an implementation would require an A/D, as well as a D/A converter.

Conclusion

The prior art made of record

- a. US Patent Number 7020296

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Robinson whose telephone number is (571) 270-3956. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Robinson

/Suhan Ni/
Primary Examiner, Art Unit 2614